

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 12-01216 (CGM)

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate
of Bernard L. Madoff,

Plaintiff,

v.

BANK HAPOALIM B.M. and BANK HAPOALIM
(SWITZERLAND) LTD.,

Defendants.

**STIPULATION AND ORDER
EXTENDING DEFENDANTS' TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (the “**Trustee**”), and Defendants Bank Hapoalim B.M. and Bank Hapoalim (Switzerland) Ltd. (collectively, the “**Defendants**”), through their respective undersigned counsel.

RECITALS

- A. On April 6, 2022, the Defendants filed their *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01216 (CGM) [ECF No. 114].
- B. On September 9, 2022, following briefing by the parties, this Court entered a stipulation and order by which the parties agreed to rest on their papers and waive oral argument on the Motion to Dismiss [ECF No. 123].
- C. On September 22, 2022, this Court issued its *Amended Memorandum Decision Denying Defendants’ Motion to Dismiss* [ECF No. 128].
- D. On October 4, 2022, based on that Memorandum Decision, this Court entered its *Order Denying Defendants’ Motion to Dismiss the Complaint* [ECF No. 129] (the “**October 4, 2022 Order**”).
- E. Under Bankruptcy Rule 8002(a)(1), the last day on which Defendants may file a notice of appeal from the October 4, 2022 Order is 14 days after entry of that order, *i.e.*, on October 18, 2022.
- F. Defendants seek an extension of time, to October 28, 2022, to file such a notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.
- G. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by October 18, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension

for up to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, up to and including November 8, 2022.

H. No previous motion for an extension of time to file such notice of appeal has been made.

I. The Trustee consents to Defendants' request to extend their time to appeal to October 28, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Defendants for an extension of time for filing (a) a notice of appeal from the October 4, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the "**Required Filings**"), through and including October 28, 2022 (the "**Extended Filing Deadline**").

2. The Trustee consents to Defendants' motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8002(d).

3. Accordingly, if Defendants wish to appeal from the October 4, 2022 Order, Defendants shall make the Required Filings by the Extended Filing Deadline.

Dated: New York, New York
October 13, 2022

/s/ Keith R. Murphy

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**Dated: October 14, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**